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REGULATIONS

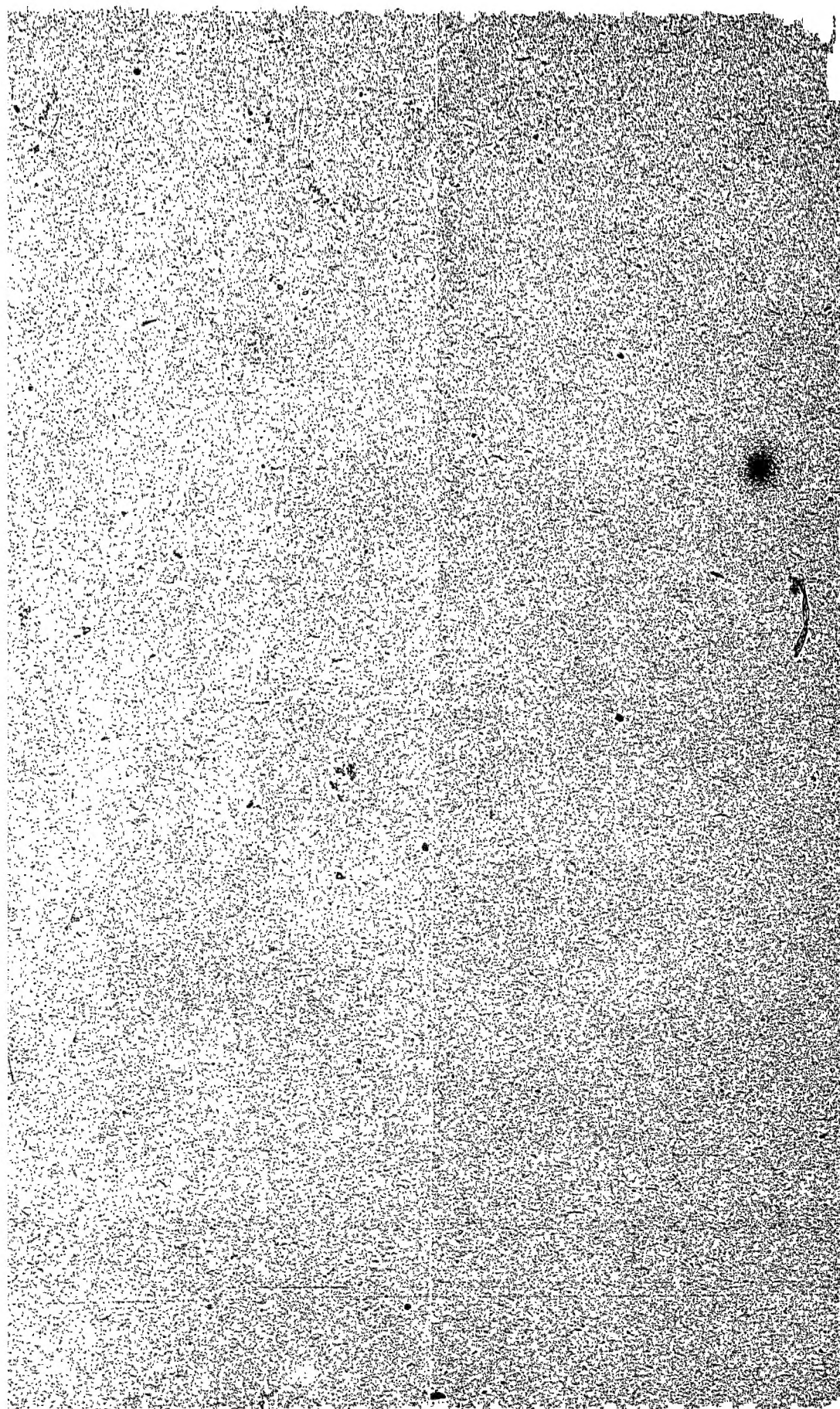
GOVERNING THE

GRANTING OF YEARLY LICENSES AND PERMITS TO CUT TIMBER ON
DOMINION LANDS IN MANITOBA, THE NORTH-WEST
TERRITORIES AND WITHIN 20 MILES ON
EITHER SIDE OF THE CANADIAN
PACIFIC RAILWAY

IN THE

PROVINCE OF BRITISH COLUMBIA.

APPROVED BY ORDER IN COUNCIL, DATED THE 1ST OF JULY, 1898.



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REGULATIONS

Governing the granting of Yearly Licenses and Permits to cut
Timber on Dominion Lands in Manitoba, the North-
West Territories, and within 20 miles on either
side of the Canadian Pacific Railway in
the Province of British Columbia,
approved by Order in Council,
dated the 1st of July, 1898.

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TIMBER LICENSES.

Section 1.

(a) Licenses to cut timber shall be disposed of by public competition.

(b) Parties tendering will be required to state the sum or bonus per square mile which they will pay in addition to ground rent and royalty; and each tender must be forwarded in a sealed envelope and be accompanied by the cash, or an accepted cheque of a chartered bank, payable to the order of the Deputy Minister of the Minister of the Interior for the amount of such bonus. No tender by telegraph will be accepted. The limit will be awarded to the party offering the highest bonus therefor.

(c) The length of any berth covered by a license shall in no case exceed three times the breadth thereof.

Section 2.

(a) The licensee shall pay an annual ground rent of five dollars per square mile, except for lands situated west of Eagle Pass, in the Province of British Columbia, in which case the yearly ground rent shall be five cents an acre.

(b) Within a month after the date of awarding a timber berth, the party in whose favour it is awarded shall pay rent for the year in advance, and if not then paid the said rent shall bear interest at the rate of six per cent per annum from that date until the same is paid.

(c) The licensee shall furnish the Crown Timber Agent having jurisdiction in the matter sworn returns monthly, or at such times as the Minister of the Interior may direct, accounting for the full quantity of sawn lumber and other products of timber manufactured and sold and otherwise disposed of, and pay the following Crown dues, that is to say:—

Sawn lumber, 50 cents per thousand feet, B.M.

Railway ties, 8 feet long, $1\frac{1}{2}$ cents each.

do 9 do $1\frac{1}{4}$ do

Shingle bolts, 25 cents per cord.

And 5 per cent on the sales of all other products of the berth.

A rebate of forty cents per thousand feet, B.M., will be allowed on lumber exported from British Columbia to places outside the Dominion of Canada, provided the licensee can produce evidence to the Crown Timber Agent as to the quantity exported.

(d) Should the licensee manufacture other timber at his mill than that cut under his license or on Dominion Lands, so as to make it difficult or impossible to keep a separate account of the sales thereof, he shall pay dues at the rates provided in the preceding sub-clause "c" on the amount of the lumber in the log, on returns required, under sub-clause "e."

(e) All licensees shall furnish to the Crown Timber Agent having jurisdiction in the matter monthly, or at such time as the Minister of the Interior may direct through himself, his scaler and foreman, a statement in writing in detail, under oath, setting forth the number of pieces of timber, saw-logs and other material cut, caused to be cut or taken under his or their licenses during the month immediately preceding said statement, or for such other period as may be required; and the correct contents in board measure of the same, as shown by Scribner's log rule, if the timber has been cut in Manitoba, the North-West Territories or the District of Keewatin, and by the British Columbia log scale when cut within the Railway Belt of British Columbia.

(f) On the arrival of any raft or parcel of timber or saw-logs (cut or taken from Dominion lands) at the place where the same is to be manufactured or sold, and before the same becomes mixed with the timber or saw-logs, the owners or persons in charge thereof shall report the same to the Crown Timber Agent having jurisdiction in the matter, making, if required, declaration upon oath as to where the said timber was cut, the number of pieces and the description of each kind of wood contained in such raft or parcel of timber and contents thereof in board measure, and should the Crown Timber Agent not be satisfied with the correctness of such report, he shall cause a strict count and scale to be made of the timber on such raft; and on being satisfied of the correctness of such report, or count, the Crown Timber Agent may grant a clearance in due form for such raft, when the same may be at the disposal of the owner or person in charge of the same. Should the number of pieces given in the report of the owner or person in charge be found by the specification of measurement to contain a greater number of pieces or contain a greater number of feet in board measure than is given by the owner or agent's report, the surplus number of pieces, or overplus, if not satisfactorily explained, shall be held as having been cut on Dominion lands without authority and subject to payment of dues accordingly. This clause only to have force in the case of a licensee making payment of dues on the quantity of lumber contained in the timber or saw-log by log scale.

(g) The licensee shall also pay the Crown dues prescribed by the regulations on any lumber or other timber products on which the dues have not previously been paid which may be damaged or consumed by fire or otherwise destroyed.

Licensees will not be required to pay royalty dues on the sale of slabs, for fuel purposes, or on saw-dust.

(h) Saw-logs and other timber for manufacture, taken from the berth, must be manufactured at the saw-mill of the licensee to be operated in connection with the berth, as prescribed by sub-clause "j."

All timber before being put into any stream or lake to be floated to the mill, must be marked with a stamp furnished by the licensee and approved by the Crown Timber Agent, a copy of said stamp to be placed on record in the Crown Timber Office.

(i) It is required that all licensees, through themselves, their scalers and foremen, shall furnish proof on oath on the said first day of May of each year, or at such other time as the Minister may direct, as to the exact locality, by a ground sketch, where all timber, saw-logs or other lumber cut by themselves and others, to their knowledge, upon the timber berth held or occupied by him or them, respectively, have been cut.

(j) The licensee shall have in operation within a year from the date when he is notified by the proper officer of the Department of the Interior that the Minister of the Interior regards such a step necessary or expedient in the public interest, and keep in operation for at least six months of each year of his holding a saw-mill, in connection with his berth, capable of cutting in twenty-four hours a thousand feet, board measure, for every two and a half square miles of the area licensed, or shall establish such other manufactory of wood goods as the Minister accepts as equivalent thereto.

(k) Any right to a timber berth cannot be assigned or transferred without the consent of the Minister of the Interior.

(l) All timber licenses shall expire on the 30th of April next after the date therein.

Section 3.

When a licensee has complied with all the conditions herein set forth in his license and the regulations, and where no portion of the timber berth is required for settlement or other public purpose, of which the Minister of the Interior is to be the judge, the license may be renewed for another year, subject to such revision of the annual rental and royalty to be paid therefor as may be fixed by the Governor in Council.

Section 4.

(a) The person who has acquired a timber berth shall receive a license so soon as the berth has been awarded to him, but the licensee before he cuts any timber thereunder shall cause to be made at his own expense, under the instructions of the Surveyor General, a survey of his timber berth by a duly qualified Dominion Land Surveyor, and the plan and field notes of such survey shall be deposited on record in the Department of the Interior; and he shall be held liable for the dues upon timber that may be cut by anyone on the berth subsequent to ten days from the date upon which he is notified that the berth has been awarded to him. The dues upon such timber to be fixed by the Minister of the Interior.

(b) In surveyed territory berths shall consist of township sections, their legal subdivisions or fractions thereof.

Section 5.

If, in consequence of any incorrectness in survey or other error or cause whatever, a timber berth is found to comprise lands included in another berth awarded at a prior date, or any lands sold, granted, leased or lawfully set apart for any other purpose under these regulations or the Dominion Lands Act, the later berth shall be void in so far as it interferes with any previous sale, grant or setting apart.

Section 6.

All ground rents, royalties or other dues on timber cut within the boundaries of any timber berth, which are not paid at the time when they become due, shall bear interest at the rate of six per cent per annum until paid, and shall be a lien on any timber cut within such limits; or on other Dominion lands by the licensee or his agents; and in case of such non-payment—whether in consequence thereof the license of the berth has or has not been cancelled—the Crown Timber Agent or other person authorized thereto may, with the sanction of the Minister, seize so

much of the timber cut on such berth or other Dominion lands by the licensee or his agents as will, in his opinion, be sufficient to secure the payment of such rent or royalty and all interest and expenses of seizure and sale, and may detain the same as security for the payment thereof; and if payment is not made within three months after such seizure, he may, with the sanction of the Minister, sell such timber by public auction, and after deducting the sum due to the Crown, the interest thereon and expenses aforesaid, he shall pay over the balance, if any, to the licensee, if the timber was in his possession at the time of seizure, or if it was not, to the person who had possession thereof at the time.

Section 7.

All timber cut under license shall be liable for the payment of the Crown dues thereon, whenever and wherever the said timber or any part of it is found, whether it is or is not converted into deals, boards or any other manufacture of wood; and all officers or agents employed in the collection of such dues may follow all such timber and may seize and detain the same wherever it is found, until the dues thereon are paid or secured, as provided in the next preceding clause.

Section 8.

If the payment of the Crown dues on any timber has been evaded by any licensee or other person, by the removal of such timber or products out of Canada, or otherwise, the amount of dues so evaded and any expenses incurred by the Crown in enforcing payment of the said dues under the Dominion Lands Act may be added to the dues remaining to be collected on any other timber cut on any timber berth by the licensee or by his authority, and may be levied and collected or secured on such timber, together with such last mentioned dues, in the manner hereinbefore provided; or the amount due to the Crown, of which payment has been evaded, may be recovered by action or suit in the name of the Minister or his agent, in any court of competent jurisdiction.

Section 9.

The Minister may take or authorize the taking of bonds or promissory notes for any money due to the Crown, as aforesaid, or, in his discretion, for double the amount of any dues, penalties and costs incurred or to be incurred, and may, if it is under seizure, then release any timber upon which the same would be leviable, but the taking of such bonds or notes shall not affect the right of the Crown to enforce payment of such money, and the debt shall be a lien on any timber cut on the same or on any other berth by the licensee or by his authority, if the sums for which such bonds or notes are given are not paid when due.

Section 10.

FORM OF TIMBER LICENSE.

The following is the form of license to be used in respect of timbered lands:—

Know all men by these presents, that by virtue of the authority vested in me by the Dominion Lands Act, and by an Order of His Excellency the Governor General in Council, of the First day of July, 1898, I, the Minister of the Interior, of Canada, do hereby in consideration of the sum of _____, ground rent, now paid to me for the use of Her Majesty, and in consideration of the royalty hereinafter mentioned, give unto _____, herein

after called the licensee, executors and administrators, full right, power and license, subject to the conditions and restrictions hereinafter mentioned and contained, and such other conditions and restrictions as are in that behalf contained in the Dominion Lands Act and the amendments thereto, and in the regulations respecting timber passed by the Governor General in Council, to cut timber on the following tract of land (hereinafter called the "berth" or "berths") that is to say:—

and to take and keep exclusive possession of the said lands, except as hereinafter mentioned, for and during the period of one year from the day of , 18 , to the day of 18 , and no longer.

This license shall vest in the licensee, subject to the conditions hereinafter mentioned, all right of property whatsoever in all trees, timber, lumber, and other products of timber cut within the "berths," during the continuance thereof, whether such trees, timber and lumber or products be cut by authority of the licensee or by any other person, with or without consent; and shall entitle the licensee to seize in replevin, revendication or otherwise, as property, such timber where the same is found in the possession of any unauthorized person, and also to bring any action or suit at law or in equity, against any party unlawfully in possession of any such timber or of any land so leased, and to prosecute all trespassers thereon and other such offenders as aforesaid, to conviction and punishment, and to recover damages, if any, and all proceedings pending at the expiration of this license may be continued and completed as if the same had not expired.

This license is subject to the following conditions and restrictions in addition to such of the conditions and restrictions as are in that behalf contained in the Dominion Lands Act and the amendments thereto, and in the regulations respecting timber passed by order of the Governor General in Council:—

1. That the licensee shall not have the right thereunder to cut timber of a less diameter than ten (10) inches at the stump except such as may be actually necessary for the construction of roads, &c., to facilitate the taking out of merchantable timber.

2. That this license shall not be allowed to interfere with the settlement of any lands within the "berths" which may be desirable for settlement, the Minister of the Interior to be the judge of the fact, and the only recourse of the licensee against the ruling of the Minister in favour of permitting settlement within such "berths" to be that (the licensee) may within sixty days after receiving notice to the above effect from the local agent of Dominion Lands, remove all timber on such lands which may be over ten inches in diameter at the stump.

Further, that this license shall not prevent individual Homestead Settlers holding free permits heretofore or hereafter given under the Order in Council dated the seventeenth day of September, 1889, or under any subsequent Order in Council passed in such behalf from cutting and removing from the land covered by this license such quantity of building timber, fence rails, or fire wood, as such permit may set forth, and the Government may, notwithstanding this license, give such permit to individual settlers from time to time under said Order in Council or any subsequent Order in Council.

3. That the licensee shall take from every tree cut down all the timber fit for use, and manufacture the same into sawn lumber or some other saleable product.

4. That the licensee shall prevent all unnecessary destruction of growing timber on the part of his men, and exercise strict and constant supervision to prevent the origin or spread of fires.

5. That the licensee shall make returns to the Government monthly, or at such other periods as may be required by the Minister of the Interior, or by regulations under the said Act, sworn to by him or by his agent or employee, cognizant of the facts, declaring the quantities manufactured, sold or disposed of, of all sawn lumber, timber, or any other product of timber from the berth with the exception of slabs for fuel and saw-dust, in whatever form the same may be sold or otherwise disposed of by him during such month or other period, and the price or value thereof.

6. That the licensee shall pay, in addition to the said ground rent, dues in the manner prescribed in subsection "c," section 2 of the Timber Regulations.

7. That the licensee shall keep a "lumber sales book" in which shall be entered all sales of the products of the berth, both cash and credit sales, also a book accounting for the number of feet of sawn lumber manufactured each day at the mill, with day and date; all books and memoranda kept at the logging camps shall be carefully preserved and these and other books kept by the licensee in connection with his lumbering business he shall submit for the inspection of the Crown Timber Agent or other officer of the Crown whenever required for the purpose of verifying his returns aforesaid.

8. This license shall be subject to the right of the Crown to deal in accordance with the provisions of the said Act, and the regulations made under it by the Governor in Council with any and all stone, coal and other minerals found within the limits of the berth licensed; and the Crown shall have the right in dealing, as above provided, with any stone, coal or other minerals in lands licensed as timber limits to authorize the persons to whom such stone, coal or other minerals are granted, to take possession of and occupy such extent of the land so licensed as is necessary to work such stone, coal or other minerals, and to open necessary roads through any such timber berth paying the licensee of the berth the value of any and all timber of a diameter of ten inches at the stump and upwards, necessarily cut in making such roads or in working the quarries or mines, such value in case of dispute to be fixed by the Minister of the Interior; and the provisions of this clause shall operate retrospectively, that is to say: They shall apply to all licenses of timber berths heretofore granted under any Act respecting Dominion lands, as if they had been contained in such Act when it was passed.

9. The license shall be subject to forfeiture for infraction of any one of the conditions to which it is subject, or for any fraudulent return; and in such case the Minister of the Interior shall have the right without any suit or other proceeding at law or in equity, or compensation to the licensee, to cancel the same, and to make a new license or disposition of the said "berth" to any other party, at any time during the term hereby granted. Provided that the Minister of the Interior, if he sees fit, may refrain from forfeiting such license for non-payment of dues, and may enforce payment of such dues in the manner provided by the said Act:—

Provided, that if during the said term of one year any actual waiver on the part of the Minister of the Interior, or of any one on his behalf, of the benefit of any condition in this license shall take place in any one particular instance, such actual waiver shall not be assumed or deemed to extend in any instance or any breach of such condition, other than that to which such waiver shall specially relate, nor to be a general waiver of the benefit of such condition. Provided that whenever in the above conditions the word "licensee" occurs, it is to be taken to extend to and include the executors, administrators and assigns of the "licensee."

Provided further that the Minister of the Interior shall be the sole judge of the fact in regard to infraction or alleged infraction of any one of the conditions of this license, and that his decision in relation thereto shall be binding and conclusive.

10. That should the Canadian Pacific Railway Company, or any other railway company, become entitled to a grant from Her Majesty or her successors of any portion of the lands hereby demised, whether as part of their land subsidy provided for by the Statutes of Canada, or for the road-bed of the railway, or its branches, or for stations, station grounds, workshops, dock grounds and water frontage on navigable waters, building yards and other appurtenances required for the convenient and effectual construction and working of the railway and its branches, and if Her Majesty or Her successors grant the same, the land so granted shall as soon as due notice thereof in writing has been served upon the licensee, or his legal representatives be withdrawn from the operation of this license, but the licensee or his legal representatives shall be at liberty to remove all timber then cut and all other property belonging to him then on the lands thereby withdrawn from the operation of this license.

11. This license cannot be assigned or transferred without the consent of the Minister of the Interior.

12. The licensee shall have in operation within one year from a date when he is notified by the proper officer of the Department of the Interior that the Minister of the Interior regards such a step necessary or expedient in the public interest, and keep in operation, for at least six months of each year of his holding, a saw-mill in connection with the berth herein described, capable of cutting in twenty-four hours a thousand feet board measure for every two and a half square miles of the area licensed.

Dated at Ottawa, this day of one
thousand eight hundred and

.....
Deputy of the Minister of the Interior.

I accept this license, and agree to all the terms and conditions thereof.

.....
Licensee

Section 11.

TIMBER PERMITS AND DUES.

Permits to cut timber on available Dominion Lands, subject to the payment of the dues hereafter specified, are granted by public competition, except in the case of an actual settler, to whom may be granted a permit to cut timber for his own use, without public competition :—

Exception is also made in the case of settlers and persons living in cities, towns and villages, who may obtain permits to cut up to 100 cords of wood for sale without competition.

- (a) Cordwood 25 cents per cord.
Cordwood made from dry fallen timber, when
cut and taken between the 1st day of April
and the 1st day of November 12½ cents per cord.
Cordwood and rails made from dry standing
timber, when cut by actual settlers for
their own use on their farms. 12½ cents per cord.

Fence posts 7 ft. long, and not exceeding 5 in. at the small end.....	1 cent each.
Roof poles.....	2 cents each.
Building logs of poplar.....	$\frac{1}{4}$ cent per lineal ft.
Building logs of pine, spruce, tamarac, and any other wood unenumerated.....	1 cent per lineal ft.
Building logs of oak, elm, ash or maple.....	$\frac{1}{4}$ cents per lineal ft.
Shingles.....	20 cents per thousand.
Telegraph poles, 22 ft. long.....	5 cents each.
Telegraph poles, each lineal foot over 22 feet.....	1 cent per ft.
Railway ties, 8 ft. long.....	3 cents each.
Railway ties, each lineal foot over 8 feet.....	$\frac{1}{4}$ cent per foot.
Square timber and saw-logs of poplar.....	\$2 per M. ft. B.M.
Square timber and saw-logs of pine, cedar, spruce, tamarac, and other woods unenu- merated.....	\$2.50 per M. ft. B.M.
Square timber and saw-logs of oak, elm, ash or maple.....	\$3 per M. ft. B.M.

Returns of board measure to be made by "Scribner's log rule," if the timber is cut in Manitoba or the North-West Territories, and by the British Columbia log scale if it is cut within the Railway Belt in British Columbia.

(b) All other products of the forest, not enumerated, 10 per cent *ad valorem*.

Section 12.

An office fee of 25 cents shall be charged for each permit.

Section 13.

Issuers of permits will be instructed by the Minister of the Interior as to the quantity of timber that will be granted, and also what proportion of dues shall be deposited on the issue of permit as a guarantee on the part of those obtaining the same.

Section 14.

Besides the dues above specified, grantees of permits may be called upon to pay such additional sum as the Minister may judge necessary to meet their proportion of any expense incurred or that may be incurred by the Department in making a survey or other demarcation on the ground of the boundaries within which such permits are to be operative.

Section 15.

Permits shall set forth that those obtaining them must conform to the conditions, terms and requirements specified in the same, and carefully restrict their cutting to the limits described therein, and any breach thereof will subject the offender to all the pains and penalties in that behalf prescribed by the Dominion Lands Act.

Section 16.

The permittee shall cut up the whole of the trees felled in such a way that there shall be no waste, and to prevent the spread of prairie or bush fires, the refuse (i.e., the tops and branches unfit either for rails or firewood) shall be piled together in a heap and not left scattered through the bush.

Section 17.

In the discretion of the Minister of the Interior permits may be granted in Manitoba and the North-West Territories to saw-mill owners to cut over a definitely described tract of land, not exceeding fifty square miles, in extent, on payment of Crown dues at the rate of fifty cents per thousand feet on sawn lumber, and a further sum of fifty cents per thousand feet in lieu of bonus and ground rent; all other products of manufacture to be paid for at the rates set forth in section 11, clause "a."

Permits of this class shall become null and void in the event of the permittee not operating upon the berth described therein to a reasonable extent during the continuance thereof.

*Section 18.***TIMBER PERMITS ON SCHOOL LANDS.**

Permits to cut timber upon School Lands may be granted in the discretion of the Minister of the Interior, who, before authorizing the issue of permits to cut upon any section or portion thereof, shall cause the same to be carefully examined, and shall satisfy himself that the removal of the timber will not impair the value of the land when offered for sale.

*Section 19.***PERSONS EXEMPTED FROM DUES.**

No dues are to be exacted from the following classes of persons for timber cut upon undisposed of Dominion lands; that is to say:—

- (a) Miners engaged in prospecting when holding free miner's certificates.
- (b) Travellers.
- (c) Persons engaged in merely scientific pursuits or exploring.

(d) For timber cut for the construction of public works, public institutions and the buildings in connection therewith. The quantity of timber to be taken under permit free of dues to be determined by the Minister of the Interior, who shall also prescribe the territory within which it shall be cut and by whom.

*Section 20.***TIMBER FOR HOMESTEADERS.**

Any occupant of a homestead quarter-section having no timber of his own suitable for the purposes hereunder mentioned, may, providing he has not previously obtained a free allowance of timber, obtain a permit to cut such quantity of building timber, fencing timber or fuel as he may require for use on the land he owns and occupies, not exceeding the following:—

- (a) 3,000 lineal feet of building timber, no log to be over 12 inches at the butt end, unless the timber is cut from dry trees, in which case timber of any diameter may be taken.

Should the building timber be sawn at a mill the permittee will be entitled to receive free of dues 6,750 feet, board measure, of lumber therefrom and no more, or in the proportion of 225 feet, board measure, to 100 lineal feet of timber manufactured.

(b) 400 roof poles to be used for such purpose.

(c) 500 fence posts, 7 feet long and not to exceed 5 inches at the small end.

Section 21.

Should the house timber be sawn at a mill payments for sawing must not be made by way of toll, as the full quantity of lumber cut from the logs must be used on the permit-holder's homestead.

Section 22.

In order that mill-owners may be able to give satisfactory evidence that saw logs or lumber found in their possession have been lawfully cut, they shall require from settlers bringing timber to be sawn, proof that the same has not been cut on Dominion lands, or that it has been cut under a permit, which the settler should produce in order that its number, its date, and the name of the permittee may be noted by the mill-owner. The latter should also record the quantity of such timber sawn by him, so that he may be in a position to duly protect himself should an account or return thereof be demanded by agents of the Department.

Section 23.

The applicant will require to pay an office fee of twenty-five cents before he can obtain a permit, but no dues will be charged for the timber or wood cut under and in accordance therewith.

Section 24.

Homesteaders and all *bona fide* settlers whose farms may not have thereon a supply of timber, or who are not in possession of wood lots or other timbered lands, will be granted a free permit to take and cut dry fallen timber for their own use on their farms for fuel and fencing.

